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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 PAUL A. WESBECHER,

No. CIV S-04-0807-FCD-CMK

12 Petitioner,

13 vs.

ORDER

14 DANIEL FOY,

15 Respondent.
16 _____/

17 Petitioner, who is no longer in custody, is proceeding pro se and in forma pauperis
18 in this petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254. Following
19 numerous extensions of time, respondent's response to the petition is currently due by September
20 15, 2005. Presently before the court is respondent's request to suspend briefing and to set a
21 status conference. Respondent states that petitioner may be willing to voluntarily dismiss the
22 fourth claim presented in his federal habeas petition following resolution of a related state court
23 matter.


24 Good cause appearing, IT IS HEREBY ORDERED that:

- 25 1. Respondent's request to suspend briefing is granted; and
26 2. Within 30 days of the date of service of this order, petitioner shall file a

1 status report, in writing, setting forth the status of the related state court matter, and also
2 informing the court whether petitioner desires to abandon any claims currently presented in his
3 federal habeas petition.

4 Failure to comply with this order may result in the imposition of sanctions,
5 including dismissal of this action for failure to prosecute.

6 DATED: September 8, 2005.

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9 **CRAIG M. KELLISON**
UNITED STATES MAGISTRATE JUDGE